

Chapter Nine

Civil Rights and Non-Discrimination

Overview

Policy

The Arizona WIC Program and its contractors will not discriminate in hiring or providing services. Eligible applicants will be hired or served without regard to race, color, national origin, sex, age or disability.

During orientation, all new WIC staff members will be instructed on Civil Rights and ADA, and annually thereafter.

Note: The State's policy for reasonable accommodation is in accordance with the American with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act, dated April 1994.

In This Chapter

This chapter is divided into five (5) sections and one (1) appendix, which detail State and Local Agency responsibilities regarding civil right and discrimination, training, and procedures of complaints.

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Section A

State Agency Responsibilities

Contract Statement	The State Agency will ensure that the Civil Rights and ADA assurance statement is in Local Agency contracts.
Training	<p>The State Agency is responsible for the compliance training of Local Agency WIC Directors regarding Civil and American Disabilities Act (ADA) Rights.</p> <p>The State Agency will designate staff to enforce civil rights and ADA regulations.</p>
Title VI	Applicants and WIC participants will be provided access to Title VI information and WIC regulations upon request.
Non-Discrimination Services	The Arizona WIC Program will provide applicants with key information in languages other than English, as needed. These materials include applications and information describing eligibility criteria, nondiscrimination policies, and procedures for delivery of benefits.
Notice Requirements	<p>The Arizona WIC Program will require Local Agencies to include the non-discrimination policy statements, civil rights and ADA complaints procedure on all outreach materials, such as program information letters, brochures, bulletins, and newspaper, TV, and radio ads.</p> <p>The Arizona WIC Program will require the “And Justice for All” poster to be displayed where readily visible in all clinic waiting areas, offices, and warehouse distribution centers.</p>

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Section A

State Agency Responsibilities (Continued)

Monitoring

The State Agency will monitor Local Agencies' compliance with Civil Rights and ADA requirements through periodic reports, which detail enrollment by ethnicity and race.

During Management Evaluations, files of those determined to be ineligible for WIC services and those placed on the waiting list for services will be reviewed.

The State Agency will maintain complete and thorough records of all activities to monitor Civil Rights and ADA compliance and any known complaints of discrimination made by WIC applicants or participants.

Non-compliance Notification

Areas determined to be in non-compliance during a Management Evaluation will be:

- Discussed with the appropriate Local Agency staff during the exit interview
 - Identified in a written report, sent by certified mail with return receipt requested. The report must be sent within 45 calendar days from the State Agency to the Local Agency
 - The report will:
 - Request corrective action to be taken within 30 calendar days of initial findings
 - Request a written response from the Local Agency within 30 calendar days. The response will assure implementation of specific methods, according to a time line, to bring the program into compliance
 - Offer technical assistance from the State Agency and/or State Affirmative Action Officer where appropriate
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Section A

State Agency Responsibilities (Continued)

Non-compliance to Compliance

The State Agency will conduct follow-up reviews within 30 calendar days of the initial Management Evaluation to ensure that the program has been brought into compliance.

If voluntary compliance is not achieved by the Local Agency within 30 calendar days, notification and copies of all correspondence and documentation will be sent to the USDA Western Regional Office. This documentation will include the following:

- Relevant contracts, assurances and agreements between the State Agency and the Local Agency
 - List of names, titles, office mailing addresses and office telephone numbers of the parties involved
 - List of available witnesses, their official titles, addresses, and a brief statement of the matter(s) about which they can testify
 - A statement of all actions to achieve voluntary compliance
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Section B

Local Agency Responsibilities

Training

Local Agencies will:

- Ensure that all new staff members receive training regarding Civil Rights and ADA during their orientation
 - Ensure that, annually, all staff will attend training on Civil Rights and ADA issues
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Language, Cultural and Disability Needs

Bilingual staff and/or translation resources will be available in areas where a significant proportion of non-English speaking clients reside.

Information will be provided regarding rights, obligations, and requirements of the WIC Program in the applicant's/participant's language.

Rights and responsibilities listed on the certification form will be read to, or read by, the applicant in the appropriate language.

Nutrition education will meet the different cultural and language needs of program participants.

Handicapped applicants and participants will have access to WIC clinics and services.

Written Procedures

Local Agencies will annually review all written procedures on providing WIC services to eligible participants to ensure compliance with federal regulations and the general provisions of the contract.

Outreach

Local Agencies will conduct outreach to migrants and homeless persons, as well as advocacy groups, associations and organizations that work with minority groups.

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Section B

Local Agency Responsibilities (Continued)

Data Collection

Local Agencies will collect accurate racial/ethnic data on participants by:

- Asking participants to self-identify their ethnicity as Hispanic or non-Hispanic and their racial group(s).
- Explaining the collection of this information is strictly for statistical reporting requirements and has no effect on the determination of their eligibility to participate in the program.
- Using visual identification, if the applicant refuses, to determine a participant's ethnicity/racial category for reporting purposes.
- Knowing a participant may be included in the group to which he or she appears to belong, identifies with, or is regarded in the community as belonging.

Compliance/ Complaints Records

Local Agencies will maintain complete and thorough records of all activities to monitor Civil Rights and ADA compliance and any known complaints of discrimination made by WIC applicants or participants.

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Section C

Handling of Complaints

Complaints	Complaints of discrimination based on race, color, national origin, sex, age, or disability will be handled by State or Local Agency WIC staff, as appropriate.
Filing Complaint	<p>Persons seeking to file a complaint of discrimination may file with the:</p> <ul style="list-style-type: none">• USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, S.W., Washington D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). <p>Note: Assistance in filing a complaint of discrimination may be provided by:</p> <ul style="list-style-type: none">• ADHS Director, 150 North 18th Avenue, Phoenix, AZ 85007
Offer Assistance	The State or Local Agency staff will volunteer assistance to the applicant or participant in making a written or verbal complaint. This assistance, if accepted, will be provided the same day as the complaint is made.
Complaint Documentation	<p>WIC Staff will ensure all complaints received are documented on the Complaint of Discrimination form. Every effort will be made to have the following information:</p> <ul style="list-style-type: none">• Identification of complainant, including address and phone number• Narrative of the complaint. The narrative will include date(s) when the alleged discriminatory actions occurred and a description of the actions• Name of WIC agency and individual(s) against whom the complaint is filed• Date complaint filed and with whom <p>Note: A complainant does not have to identify him or herself. Staff will accept an anonymous complaint and document it.</p>

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Section C

Handling of Complaints (Continued)

Tracking Of Complaints

Document all activities regarding the complaint, such as information or assistance given to the complainant and all information relating to the complaint:

- Maintain a case file of each complaint
 - Keep complainant informed of all actions taken
 - Provide complainant a copy of the complaint and encourage retention of their copy
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Notification

The Arizona WIC Director will be notified within 48 hours upon receipt of a complaint. Within 15 calendar days, the Nutrition Programs Manager will submit a written record of the complaint(s) to the ADHS Director.

The Nutrition Programs Manager, or designated staff, will immediately notify the Director, Office of Civil Rights, Washington, D.C. 20250 of any alleged discrimination based on race, color, national origin, sex, age, or disability.

Consultation

The State Affirmative Action Office will provide consultation and technical assistance to Local Agencies in order to avoid and/or eliminate discriminatory practices.

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Section D

Civil Rights/ADA Training

Subjects Covered

Subjects to be covered in Local Agency WIC Directors training:

- Collecting and using ethnic/racial data
- Effective public notification systems
- Complaint procedures
- Review techniques for Local Agency monitoring of clinic procedures
- Resolution of noncompliance

Note: All training will be based on FNS instruction 113-2, Rev. 1

References

The State Agency will keep on file all of the following:

- FNS Instruction 113-2, Rev. 1
 - Title VI (1964), 7 CFR 15
 - Title IX, USDA Administrative Regulations
 - Title IX, Education Amendments, 7 CFR 15a (gender discrimination)
 - Title 28, Department of Justice Regulations
 - Section 504, Handicap Regulation 7 CFR 15b
 - Memorandum on Legality of Racial/Ethnic data collection
 - Grassroots Organization Directory
 - Age discrimination Act of 1975, 7 CFR 15c
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Section E

WIC Civil Rights and ADA Quality Assurance Criteria

Criteria	Data Source
USDA nondiscrimination poster (<i>And Justice for All</i>) will be prominently displayed in clinic within viewing range of participants.	Observation
Participant informed, regardless of eligibility or ineligibility, in a language that is understood, that the standards for participation in the program are the same for everyone.	Participant interview; Certifier interview
Participant signs a copy of the Verification of Certification (VOC) acknowledging their eligibility or ineligibility for services.	VOC in Local Agency records/database
Eligible program participants receive services, as funds are available according to the Nutrition Risk Factors by Priority for Service.	VOC in Local Agency record/database notes: <ul style="list-style-type: none">• Date of request• Eligible/ineligible waiting list status
Program information materials provided in the appropriate language(s) of participant population served. All materials announcing program benefits include nondiscrimination statement.	Observation
Nutrition education provided: <ul style="list-style-type: none">• In the predominant language of participant population served• With consideration to cultural beliefs and values of participants served	<ul style="list-style-type: none">• Local Agency Nutrition Education Plan• Participant interview• Documentation in participant records• Certifier interview

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Section E

WIC Civil Rights and ADA Quality Assurance Criteria (Continued)

Criteria	Data Source
<p>Participants assessed regarding:</p> <ul style="list-style-type: none"> • Feelings/attitudes about program services and participation • Treatment received in grocery stores/trading posts • Treatment received from clinic personnel; • Nutrition education received • Rights and obligation to receive program services • Persons to contact about complaints of discrimination 	Record of participant assessment
Local Agency staff renders requested assistance to participants wishing to report complaints of discrimination to appropriate program officials.	<ul style="list-style-type: none"> • Documentation of requests in Local Agency files • Participant interview • Certifier interview
<p>Known participant complaints of discrimination, documented and reported to Nutrition Programs Manager, and to:</p> <p>Office of Advocacy and Enterprise USDA, Washington, DC 20250</p>	<ul style="list-style-type: none"> • Documentation of requests in Local Agency files • Documentation in State WIC office files
<p>Public notification by the State Agency of availability of program services:</p> <ul style="list-style-type: none"> • Contains nondiscrimination statement • Is directed to minority groups • Is available to handicapped applicants and participants 	Documentation in State Agency correspondence files or copies of distributed materials
Known participant complaints of discrimination by food vendors documented and reported to State WIC office.	<ul style="list-style-type: none"> • Documentation in Local Agency files. • Documentation in State WIC office files.

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WIC Civil Rights and ADA Quality Assurance Criteria (Continued)

Criteria	Data Source
Participating food vendor signature on vendor contract, which contains nondiscrimination statement.	Documentation in State WIC office files
Availability of bilingual staff during clinic hours.	Personnel records and observation
Local Agency staff can explain their role in filing for an informal conference, fair hearing or discrimination complaint.	Staff interviews

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Appendix A: Complaint of Discrimination Form

See Following Page

Complaint of Discrimination

NAME: _____ DATE: _____

ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: _____ MESSAGE PHONE: _____

☐ Prefer to remain anonymous

Name of WIC agency and individual(s) of complaint: _____

Narrative of the complaint: (Include date(s) when the alleged discriminatory actions occurred and a detailed description of what happened, use additional paper if needed)

Name and title of person completing form if different than complainant:

Date complaint filed and with whom

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Appendix B: Civil Rights Statements per the USDA as of 5/2005

The authorized statement reads as follows:

“In accordance with the Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability.

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.”

If the material is too small to permit the full statement to be included the material will at a minimum include the statement, in print size no smaller than the text, that **“This institution is an equal opportunity provider.”**